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Paper No. None

MEDTRONIC, INC.  
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**SEP 07 2004**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Benoit Marchal et al.	:	
Application No. 10/749,595	:	
Filed: July 26, 2004	:	DECISION ON PETITION
Attorney Docket No. P-8223.02US	:	
Title: GASTROELECTRIC	:	
STIMULATION FOR INFLUENCING	:	
PANCREATIC SECRETIONS	:	

This is a decision on the petition filed July 26, 2004.

On December 31, 2003, the above-identified application was deposited. On May 24, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Non-provisional Application - Filing Date Granted (notice)", advising applicant that Figures 8a and 10a - 10b appeared to have been omitted. The Notice set a two-month period for response.

On July 26, 2004, Petitioner correctly submitted a petition under 37 C.F.R. §1.182, along with 11 sheets of drawings, which include Figures 8a and 10a - 10b. Petitioner has also included the petition fee and an attestation by an attorney who is not of record that a newly executed declaration is not required. Based on this petition, it is clear that Petitioner accepts the date of deposit of the formerly omitted drawings as the filing date.

The petition is **GRANTED**.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a **filing date of**

**July 26, 2004**, the date of receipt of the formerly omitted items, Figures 8a and 10a - 10b, using the original application papers filed December 31, 2003, and the figures submitted with the instant petition on July 26, 2004. **OIPE will then mail a corrected filing receipt.**

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



**Paul Shanoski**  
**Senior Attorney**  
**Office of Petitions**  
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